**IN THE HIGH COURT OF UTTARTANCHAL**
**AT NAINITAL**

Criminal Misc. Application No249/2005

Sushil Chaudhary,
S/o Shri Bhagmal Singh,
R/o village & PO Kadarabad,
P.S. Afzalgarh, District Bijnor, (UP)

….Applicant.

Versus

State of Uttaranchal.. ….Opposite Party.

**Hon'ble B.C. Kandpal, J.**

This petition under Section 482 Cr.P.C has been filed by the applicant for quashing the impugned order dated 19.4.2005 passed by the learned District & Sessions Judge,Dehradun.

Brief facts of the case giving rise to the application is that the session trial No. 179 of 2004 State of Uttaranchal vs. Raghubir Singh and other under Section 342,363,372,373, 376 and 366 (A) IPC is pending before the learned District and Sessions Judge Dehradun

In the sessions trial the statement of PW1, Mamta was recorded. Subsequently, an application was filed on behalf of the accused/ applicant before the learned trial court under Section 311 Cr.P.C for cross examination of PW1 Mamta.

This application was rejected by the learned trial court vide order dated 19.4.2005

Feeling aggrieved by the aforesaid impugned order, this application has been filed by the applicant.

Heard Sh .Ramji Srivasta for the petitioner and the learned AGA for the opposite party , who has filed the counter affidavit.

Perusal of the application filed by accused applicant under Section 311 Cr.P.C does not disclose anywhere that on what point accused / applicant wants to cross examination of PW 1, Mamta.

The impugned order passed by the learned District and Sessions Judge, shows that the accused/applicant had sufficient opportunity to cross-examine, PW1 Mamta.

The accused/applicant cannot be permitted to linger on the proceedings pending before the trial court by taking one pretext or the other.

I am of the view that the application filed by the applicant/ accused has been rightly rejected by the learned District & Sessions Judge.

I do not find any serious miscarriage of justice and any abuse of process of the court. I also do not find any fault or infirmity in the process of law.

The impugned order does not call for any interference by way of exercising inherent jurisdiction under Section 482 Cr.P.C.

Accordingly the application is dismissed.

(B.C. Kandpal,J)

12.9.2005

NBJ